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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/063,410	04/21/2002	Sharon Flank	08228/1203278-US1	9900
39179	7590	07/10/2006	EXAMINER	
DARBY & DARBY, P.C.			NGUYEN, CINDY	
P.O. BOX 5257			ART UNIT	
NEW YORK, NY 10150-5257			PAPER NUMBER	

2161

DATE MAILED: 07/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/063,410

Applicant(s)

FLANK ET AL.

Examiner

Cindy Nguyen

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 July 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

This is in response to amendment filed 04/11/06.

### ***Response to Arguments***

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 10-12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang (US 6038333) in view of Swanson et al. (US 5987459).

Regarding claims 1 and 4, Watanabe discloses: A method for use with a system storing myriad digital media files (16, fig. 2, Watanabe), the method comprising the steps of: generating a myriad of first thumbnail images, each first thumbnail image corresponding to one of the digital media files, each first thumbnail image having lower resolution and smaller dimensions (low resolution image which smaller sizes, example 368x256) then the

corresponding digital media file (original image ), each first thumbnail image having first dimensions (col. 6, lines 4 to 22, Watanabe);

displaying a subset of the first thumbnail images (display the thumbnail images having the image Ids), the subset comprising more than one and less than all of the myriad first thumbnail images, the subset created as a result of input from a first user (col. 7, lines 60 to col. 8, lines 19, Watanabe);

However, Watanabe didn't disclose: receiving a configuration command for a second user and generating second thumbnail images and display the results as claimed. On the other hand, Swanson discloses: receiving a configuration command from a second user, the configuration command indicative of second dimensions differing from the first dimensions<sup>1</sup> (col. 11, lines 40 to col. 12, lines 3). Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include receiving a configuration command for a second user and generating second thumbnail images in the system of Watanabe as taught by Swanson. The motivation being to improved techniques for rapid and efficient browsing and displayed on a display device.

In addition, Watanabe/Swanson discloses: generating myriad second thumbnail images, each second thumbnail image corresponding to one of the digital media files, each second thumbnail image having lower resolution and smaller dimensions then the corresponding digital media file, each second thumbnail image having second dimensions (col. 6, lines 4 to 22, Watanabe);

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<sup>1</sup> Receiving a configuration command for a second user interpreted as user defined the query object with the low resolution (change the size of the original image) and searching the query object.

displaying a subset of the second thumbnail images, the subset comprising more than one and less than all of the myriad second thumbnail images, the subset created as a result of input from a third user (col. 7, lines 60 to col. 8, lines 19, Watanabe).

Regarding claims 2 and 5, all the limitations of these claims have been noted in the rejection of claims 1 and 4 above. In addition Watanabe/Swanson discloses: wherein the first and third users are the same user (col. 7, lines 60 to col. 8, lines 19, Watanabe).

Regarding claims 3 and 6, all the limitations of these claims have been noted in the rejection of claims 1 and 4 above. In addition Watanabe/Swanson discloses: wherein the first and third users are different users (col. 7, lines 60 to col. 8, lines 19, Watanabe).

Regarding claim 10, Watanabe/Swanson discloses: generating a thumbnail image corresponding to the digital media file based on a first configuration from a first user, the first configuration indicative of the first size of the thumbnail image, wherein the first size is at least one of resolution or dimensions (col. 6, lines 4 to 22, Watanabe); based on a query from a second user, performing an information retrieval search to locate and retrieve the thumbnail image (col. 12, lines 25-38, Swanson); receiving a second configuration from the second user, the second configuration indicative of a second size differing from the first size (col. 13, lines 40-58, Swanson); changing the thumbnail image to the second size (col. 13, lines 40-48).

Regarding claim 11, all the limitations of this claim has been noted in the rejection of claim 10, above. In addition Watanabe/Swanson discloses: wherein performing the information

retrieval search further comprises displaying the thumbnail image as part of a search result, wherein the query is for information associated with the digital media file (col. 11, lines 40-55, Swanson).

Regarding claim 12, all the limitations of this claim has been noted in the rejection of claim 10, above. In addition Watanabe/Swanson discloses: wherein performing the information retrieval search further comprises: clustering the thumbnail image with at least another thumbnail image based at least on a similarity between metadata associated with the thumbnail image and the at least another thumbnail image (col. 12, lines 25-38, Swanson).

Regarding claim 14, all the limitations of this claim has been noted in the rejection of claim 10, above. In addition Watanabe/Swanson discloses: further comprising displaying the changed thumbnail, in response to changing the thumbnail image (col. 12, lines 64 to col. 13, lines 5, Swanson).

Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swanson et al. (US 5987459) (Swanson) in view of Beikirch et al. (US 5532839) (Beikirch).

Regarding claims 7, 8 and 9, Swanson discloses: A method for use with a system for managing digital media files, the method comprising the steps of: using face recognition to recognize faces portrayed in the digital media files, yielding metadata with respect to the digital media files indicative of the recognized faces (col.12, lines 25-37, Swanson); analyzing the metadata indicative of the recognized faces among the digital media files (col. 14, lines 25-39, Swanson);

displaying the duplicate files for a user (col. 11, lines 50-55, Swanson).

However, Swanson didn't disclose: detect duplicate files among the digital media files and enabling at least one of the displayed duplicate files in the digital media files to be purged. On the other hand, Beikirch disclose: detect duplicate files among the digital media files and enabling at least one of the displayed duplicate files in the digital media files to be purged (col. 4, lines 55 to col. 5, lines 15, Beikirch). Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include detect duplicate files among the digital media files and enabling at least one of the displayed duplicate files in the digital media files to be purged in the system of Swanson as taught by Beikirch. The motivation being to enable to system to detect the duplicate electronic document image by remove duplicate digital electronic images and provide duplicate electronic images signal for automatic detection of duplication electronic document page images (col. 4, lines 55 to col. 5, lines 15, Beikirch).

Regarding claim 13, all the limitations of this claim has been noted in the rejection of claim 10, above. In addition Watanabe/Swanson/Beikirch discloses: identifying the thumbnail image and at least another thumbnail image as duplicated to be purged based at least on face recognition, image recognition, or scene detection (col. 4, lines 55 to col. 5, lines 15, Beikirch).

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cindy Nguyen whose telephone number is 571-272-4025. The examiner can normally be reached on M-F: 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



Cindy Nguyen  
June 30, 2006



FRANTZ COBY  
PRIMARY EXAMINER